761551N25A - SH-AD-32A (2/72) -



SHERIFF'S DEPARTMENT

DATE September 26, 1997

OFFICE CORRESPONDENCE

FILE NO.

FROM: JOHN A. HAMMARGREN, COMMANDER
PROFESSIONAL STANDARDS
AND TRAINING DIVISION

TO: RUDDIE J. JEFFERSON, CAPTAIN
LENNOX STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS-- HIT SHOOTING, NOVEMBER 30, 1996, IAB REVIEW #011060**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the hit shooting incident which occurred on November 30, 1996.

The committee met on September 25, 1997 and consisted of myself and Commanders Carole A. Freeman (Custody Division) and Luis M. Najera (Field Operations Region I). The committee determined that the use of deadly force by Deputy [redacted] was within department policy. Please advise the deputy of this finding.

The committee recommends that you should debrief the deputy regarding the tactics used in this incident.

Accompanying this memo is the original PSTD Response Team package which contains the IAB and Training Bureau reports. Please evaluate the included material and complete and sign the enclosed form documenting your recommendations and actions and return the PSTD Response Team package to me through your division chief within 30 days.

WCW:wcw

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Miscellaneous Data

COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT
INCIDENT DATA

WHAT INITIATED INCIDENT			
Call [ ]	Observation [x]	Search Warrant [ ]	Arrest Warrant [ ]

LOCATION OF OCCURRENCE

[redacted] West 192nd Street, Los Angeles (Unincorporated Area)

TYPE OF LOCATION

Residence [ ]	Business [ ]	Industrial [ ]	Parking Lot [ ]
Street [ ]	Backyard [ ]	Freeway [ ]	Rural [ ]
Other [x]	Sidewalk		

SHOOTING CONDITIONS

DATE	TIME	DAY
11/30/96	0207 Hours	Saturday

LIGHTING	WEATHER
Street Lights	Cool, Clear

DISTANCE

2-3 Feet

CONTRIBUTING FACTORS

See Investigative Summary

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

CLASSIFICATION

ACCIDENTAL:	No
GUN TAKE-AWAY:	No
PERSON(S) ARMED:	Yes
PERSON(S) UNARMED:	N/A
STARTLE:	Yes, suspect startled
UNINTENTIONAL:	No
DEPUTY IN UNIFORM:	[x] RAID JACKET: [ ] PLAIN CLOTHES: [ ]
VEST WORN:	Yes
FOOT PURSUIT:	No
VEHICLE PURSUIT:	No
MOVING VEHICLE:	No
VEHICLE STOP:	No
TYPE OF HOLSTER:	Department Issue
GUN IN HOLSTER:	No
STRUGGLE INVOLVED:	Yes (brief)

ADDITIONAL FACTS AND INFORMATION:
See Investigative Summary

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

DEPUTY INVOLVED

SHOOTER						
EMPLOYEE'S NAME [redacted]						
RANK Deputy	EMPLOYEE NO. [redacted]	UNIT AND DIVISION / REGION OF ASSIGNMENT [redacted]				
SEX M	RACE White	HEIGHT [redacted]	WEIGHT [redacted]	DATE OF BIRTH [redacted]	AGE [redacted]	
DUTY STATUS On Duty				HIRE DATE [redacted]		
UNIFORM Yes	RAID JACKET No	PLAIN CLOTHES No	VEST Yes			
INJURED No	DECEASED N/A	CORONER'S CASE NO. N/A				
DESCRIPTION OF INJURIES None						

WAS THE DEPUTY IMMEDIATELY REMOVED FROM THE SCENE? YES [x] NO [ ]

WAS THE DEPUTY SEQUESTERED PRIOR TO THE INTERVIEW? YES [x] NO [ ]

WHERE? Lennox Station

SUPERVISED BY: Lieutenant Aguirre

WEAPON USED	
TYPE Department Issued Beretta 9mm, 92F, Semi-Automatic Pistol	AUTHORIZED Yes
AMMUNITION TYPE Department Issue	AUTHORIZED Yes

RANGE QUALIFICATION (LAST DATE)	NO. OF ROUNDS FIRED BY DEPUTY	NO. OF HITS
[redacted]	2	2

DEPUTY'S TOXICOLOGY		
UNDER THE INFLUENCE No	TEST FOR CAUSE ORDERED N/A	ORDERED BY N/A

TRAINING INFORMATION	
LASER VILLAGE TRAINING (LAST DATE) [redacted]	PRACTICAL POLICE COURSE (LAST DATE) [redacted]





ASSIGNMENT HISTORY		
DATE	**UNIT OF ASSIGNMENT**	**RANK**
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]

PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)		
FILE	**DATE**	**TYPE**
[redacted]		

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

SUSPECT/SUBJECT

LAST NAME	FIRST NAME	M/I
PAINIA	Manuel	(nmn)

ADDRESS
[redacted]

SEX:	RACE	HEIGHT	WEIGHT	D.O.B.	AGE	DECEASED
M	Black	5'10"	200	08/02/70	26	No

INJURED	DESCRIPTION OF INJURIES
Yes	Three gunshot wounds to upper chest and torso

SUSPECT'S TOXICOLOGY

UNDER THE INFLUENCE
Unknown

TYPE OF SUBSTANCE	LAB TEST CONDUCTED
N/A	N/A

ARMED	TYPE OF WEAPON
Yes	Pistol, Model TEC-DC9, 9mm

NUMBER OF SHOTS FIRED BY SUSPECT	NUMBER OF HITS
None	None

SUSPECT VEHICLE
No

CRIMINAL HISTORY (ATTACH COPY OF RAPS)

See Exhibit G

SUMMARY OF INCIDENT

See Investigative Summary

INVESTIGATIVE SUMMARY

IAB FILE S011060

The summary of this incident is based upon the reports, records and taped interviews contained in this packet. This summary is preliminary, containing information verbally relayed to the Internal Affairs Bureau investigators by Department employees, including the Homicide Bureau investigators at the scene and information obtained from their reports.

Lieutenant Willa Glover and Sergeants Katie Campbell and Chester Mitchell of the Internal Affairs Bureau, were notified on Saturday, November 30, 1996, that deputies assigned to Lennox Station had been involved in a shooting, wherein one suspect had been shot twice, but was expected to live. Homicide Investigators, Sergeant Rudy Ortega and Deputy Beth Smith, were contacted at the scene by the IAB investigators.

Sergeant Ortega revealed that at approximately 0207 hours, Deputies [redacted] and Richard Callen #[redacted] working Lennox Station unit #[redacted] had stopped their patrol vehicle in front of [redacted] and had just begun conversing with a male adult, whom they had stopped to question, when they heard numerous gunshots being fired from just east of their position. Deputies [redacted] and Callen released the male they were conversing with and took cover behind a van parked at the south curb, unclear where exactly the shots had been fired from, and if they were being fired on. As they looked east on 192nd Street, they observed a male, later identified as Suspect Manuel Painia, MB/26, walking rapidly toward them with his arms in front of him, concealed under a large parka style jacket. They stated they didn't believe the suspect saw them or their blacked out vehicle, which was parked in the middle of the street, just west of the van (Exhibit D).

IAB Note: Deputies [redacted] and Callen related that when they initially saw the suspect coming toward them, they believed that because he was hunched over at his waist, he may have been the victim of a gunshot wound. Deputy Callen related that as they ran toward the van to take cover, he illuminated the suspect with his flashlight several times. He stated he saw no weapons, only the suspect hunched over at his waist.

Deputy [redacted] told Homicide Investigators that as Suspect Painia approached their

location behind the van, he stepped out and ordered the suspect to stop and raise his hands, as he identified himself. He stated Suspect Painia continued walking past him at a fast pace, whereupon he grabbed at Suspect Painia's jacket. He stated Suspect Painia was able to pull away from his grasp, whereupon he grabbed at the back of his jacket again, and was pulled forward as Suspect Painia continued forward. Deputy [redacted] stated Suspect Painia then spun around, immediately looked at him, and as he began to turn in his direction, he pulled a "Tech Nine" semi-automatic pistol from under his parka (Exhibit E). Believing they were about to be fired on, Deputy [redacted] fired two rounds at the suspect, who immediately dropped the pistol and fell to the ground. Deputy [redacted] related he had his flashlight in his left hand when he grabbed onto Suspect Painia, with his Beretta in his right hand. He stated that when Suspect Painia turned toward him, he attempted to back up as he fired, which caused him to lose his balance and fall backward onto his buttocks. He stated at the time of the shooting he was 2-3 feet away from the suspect. Deputies [redacted] and Callen stated they immediately handcuffed the suspect, without further incident. It was at this time that Deputy [redacted] broadcasted a "998" and requested paramedics respond to the scene.

IAB Note: Deputy Callen stated he heard Deputy [redacted] yell at Suspect Painia to stop as he identified himself, and he saw Deputy [redacted] grab at the suspect as he walked past them. He stated his view was partially blocked by Deputy [redacted] who was standing in front of him as he was grabbing onto the suspect. He stated he did not initially see Suspect Painia pull the Tech-9 from under his parka, but he suddenly heard two shots, and then saw the suspect fall face first to the ground as Deputy [redacted] fell backward onto his buttocks. He stated at that point Deputy [redacted] told him to get the Tech-9, which was now on the ground, next to the suspect. He stated he ran and grabbed the weapon and placed it on a grassy area, several feet away from the suspect.

Suspect Painia was transported to Martin Luther King Medical Center where he was treated for three through and through gunshot wounds; one to his right hip, and two to his right chest and bicep area. Following treatment, he was released for booking to Mens Central Jail Wards.

IAB Note: Sergeant Rudy Ortega, of the Homicide Bureau, told the IAB investigators he is certain the suspect was shot only twice by Deputy [redacted] He stated an inspection of Deputy [redacted]

Beretta revealed thirteen live rounds in the magazine and one live round in the chamber. He stated Deputy [redacted] advised him that when he went into the field that morning he was carrying fifteen live rounds in the magazine and one live round in the chamber of the weapon. Sergeant Ortega added that the suspect may have received a third wound from a gun battle at the scene of the homicide. He related that as of this writing, they have been unable to interview Suspect Painia.

Deputy Tracy River related in a supplemental report that upon arriving at Martin Luther King Hospital, Suspect Painia stated that he had arrived at the homicide scene with a [redacted] and that after hearing several gunshots, the murder [redacted] ran towards him, gave him a gun and they both ran from the location.

Following the securing of Suspect Painia, Deputy [redacted] walked east on 192nd Street to [redacted] the area where he had heard the original shots being fired, and discovered a male lying dead at the location's driveway. The male was later identified as [redacted] MB-23, last known address of [redacted] He died of multiple gunshot wounds to his torso and neck, with several bags of packaged marijuana lying about his person (Exhibit F).

During the subsequent investigation of the physical evidence at the scene, it was discovered that the shooting may have started from the interior of Apartment #[redacted] at the homicide scene, [redacted] and continued onto the driveway of the location. Sergeant Ortega related he has been attempting to interview a male who lives at that location, but he has been unsuccessful up to this point. He stated a search warrant was served at the location, and several pieces of evidence were recovered, which included shell casings and live ammunition for a .380 automatic weapon, and expended 9mm shell casings for a 9mm weapon, and an empty gun box for a .380 caliber semi-automatic weapon. Sergeant Ortega stated this seized evidence corresponds with the expended shell casings found near the murder victim's body.

At the first scene involving the deputies, a "Tech Nine" machine pistol with one round in the chamber and an empty 30 round magazine were recovered by the Homicide Bureau investigators, along with two expended 9mm shell casings. At the second scene, the homicide scene, nine expended 9mm shell casings and four expended .380 caliber shell

casings were recovered.

On December 3, 1996, Suspect Painia was charged with two counts of 245(D)(2) P.C. for the assault on Deputies [redacted] and Callen, and with 12021(A)(1) P.C. for the possession of a firearm by a felon. The Tech-9 weapon, seized from Suspect Painia, is a reported stolen out of Los Angeles on September 21, 1993 (Exhibit G).